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Chairman: Mr. Tomka ..... (Slovakia)

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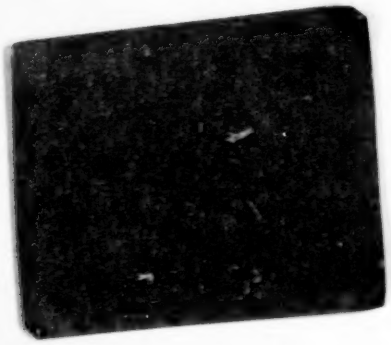

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The meeting was called to order at 3.10 p.m.

Agenda item 152: Measures to eliminate international terrorism (*continued*) (A/52/37 and A/52/304 and Add.1 and Corr.1; A/C.6/52/L.3)

1. **Mr. Taub** (Israel) said that since the adoption in 1994 of the Declaration on Measures to Eliminate International Terrorism, over 170 men, women and children had been killed and thousands had been injured in terrorist attacks within his country's borders. General Assembly resolution 51/210, recognizing that terrorism could not operate without a steady flow of funds, had called upon all States to prevent the financing of terrorists and terrorist organizations, including through organizations claiming to have charitable, social or cultural goals. While Governments were unwilling to be seen taking steps against charitable organizations which ostensibly raised money for the poor and weak, it must be recognized that terrorist fund-raising in charitable guise was a heinous crime. In the past year, his Government had outlawed four extremist organizations engaged in such activities. Those organizations, however, continued to raise funds abroad. It was not sufficient to argue that an organization was charitable because it was raising money for widows and orphans if, as was often the case, the funds were being raised in order to encourage potential suicide bombers to commit atrocities. He urged States to consider ways in which, within the framework of their domestic legislation, they could lift the thin veil of charitable purposes that often disguised terrorist activity.

2. He commended the Secretary-General for the information gathered on national laws and regulations regarding the prevention and suppression of international terrorism (A/52/304 and Add.1 and Corr.1) and urged those States which had not yet done so to respond to the Secretariat's request for replies.

3. His Government was a party to most of the existing anti-terrorist conventions and was either reviewing the possibility of acceding to or was already in the process of ratifying the remaining ones.

4. Terrorists could not operate in a vacuum; they were dependent on sympathetic States for sponsorship and support. The international community must be forthright in stating that sponsoring terrorism and permitting terrorist groups to act with impunity within a country's borders were not among the prerogatives of sovereignty. In the fight against terrorism, neutrality was not an option. Many States, however, behaved as if they could remain neutral in the war against terror, as if granting sanctuary to terrorists and their supporters and permitting the free flow of terrorist funds and the trafficking of arms and equipment was a position of impartiality. Such countries were not neutral; they were accomplices to terror, and must be made to pay the price.

5. Terrorist organizations had learned that, in order to be effective, they must pool their resources. The international community must respond in kind. Only on a concerted basis would it be possible to maximize information, track funds and armaments, eliminate the terrorist infrastructure and intensify cooperation with regard to extradition and prosecution. He therefore welcomed the draft international convention on the suppression of terrorist bombings and was encouraged by the speed of the progress achieved. In particular, he commended the draft convention's clear rejection of the political motive defence.

6. The primary test of the international community's commitment to the war against terrorism was not speeches or declarations, but the allocation of resources. It must be prepared to match the fanatical commitment of terrorists with an equally fanatical commitment to end their war of destruction against innocent life.

7. **Mr. Baali** (Algeria) said that drug-trafficking, organized crime and terrorism, aided by new communications technologies, the gaps in international law and the weakness of some States, now posed an extremely grave threat to international peace and security and a challenge to the international community as a whole. Of those three evils, it was terrorism which constituted the most serious danger to life, liberty and security of the person; its objective was to destabilize States, hamper their economic and social development and disrupt the functioning of democratic institutions.

8. The international community had shown a gradually increasing awareness of the scope of the problem. In adopting the Declaration on Measures to Eliminate International Terrorism in 1994, the General Assembly had given a new impetus to its consideration of the question and shown a clear resolve to distance itself from previous resolutions. Nothing, indeed, could be more consonant with the Charter of the United Nations than an international consensus on the fight against terrorism. He welcomed the emergence of that consensus and hoped that it would be translated into concrete and effective action.

9. His Government, which had long called for the strengthening of international cooperation and greater involvement by the United Nations in the fight against terrorism, welcomed the decision to make the elimination of terrorism a priority area in the medium-term plan for the period 1998-2001. He also welcomed the Secretary-

General's decision to transform the Division for Crime Prevention and Criminal Justice of the Secretariat into a Centre for International Crime Prevention. In adopting those measures, the international community had taken a qualitative step towards implementing the commitments undertaken long ago. It was to be hoped that the new Centre would become operational as soon as possible and that it would have the necessary resources.

10. Individual action by States to combat transnational crimes would remain ineffective unless they were supported by consistent international efforts to combat the terrorist financing, recruitment and support networks which continued to flourish in some countries. A genuine policy of exchanging information on terrorism and the conclusion of bilateral, regional an multilateral judicial assistance and extradition agreements were also necessary. Mere verbal condemnation was no longer sufficient, especially since it was often used as a cover for an attitude of tolerance, if not outright collusion, in terrorist acts. Such actions were in flagrant violation of the Declaration on Measures to Eliminate International Terrorism, which called upon States to refrain from organizing, instigating, assisting or participating in terrorist acts in territories of other States, or from acquiescing in or encouraging activities within their territories aimed at destabilizing other States.

11. In the light of the increase in terrorist violence, from which no State was immune, the time had come to elaborate a comprehensive and binding international convention that would encompass, strengthen and upgrade all the conventions regulating specific aspects of terrorism. In that connection, he attached particular importance to the finalization of the draft international convention for the suppression of terrorist bombings and called upon the States concerned to redouble their efforts to ensure its adoption at the current session.

12. **Ms. Ladgham** (Tunisia) said that the plague of terrorism continued to cast a shadow over the approaching millennium. In the name of hazy theories, heinous acts were being committed against civilians, particularly women and children. There could be no justification for such acts, which sowed terror among the public in order to undermine the foundations of society and destabilize its institutions.

13. With the adoption of the two declarations against terrorism in 1994 and 1996, the States Members of the United Nations had demonstrated their resolve to develop and strengthen international cooperation in the fight against terrorism. A further step in that direction had been the establishment in 1996 of the Ad Hoc Committee, whose first session had been devoted to the elaboration of an international convention for the suppression of terrorist bombings. The Ad Hoc Committee's next task would be to elaborate an international convention for the suppression of acts of nuclear terrorism. While she supported the adoption of those and other legal instruments on the subject of terrorism, she believed that the piecemeal approach taken thus far had limitations and should be replaced by a comprehensive approach. In the future, the Ad Hoc Committee should focus on the elaboration of an international convention which would address all aspects of the issue. In that connection, she drew attention to the request made by the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, held in New Delhi in April 1997, for the urgent conclusion of a comprehensive international convention on the fight against terrorism, like those already existing at the regional level.

14. Despite the substantial work accomplished by the Ad Hoc Committee, resulting in a consolidated text of the draft convention, the Working Group had, regrettably, been unable to recommend it to the Sixth Committee for adoption owing to the absence of agreement on one of the draft articles. She hoped that a satisfactory solution could be found to that problem so that the draft convention could be adopted at the current session. Notwithstanding the imperfections and gaps in the content of the draft convention, it was the product of lengthy negotiations, and represented a delicate balance that must not be jeopardized. She would have preferred the draft convention to be less restrictive in scope and to cover not only attacks against individuals, but also all serious attacks against property, regardless of their impact on a country's economy. She would also have preferred the draft convention to cover the manufacture of explosive devices to be used in the commission of terrorist crimes. Lastly, it was regrettable that criminal acts committed for the purpose of sowing terror among the public had not been included within the scope of the draft.

15. The fight against international terrorism had been made a priority area in the medium-term plan for the period 1998-2001. As part of his reform programme, the Secretary-General had proposed to consolidate in Vienna the United Nations efforts against crime, drugs and terrorism. The Division for Crime Prevention and Criminal Justice would be reconstituted as the Centre for International Crime Prevention. While welcoming that initiative, she believed that terrorism was not necessarily linked to drug trafficking, and that it constituted a separate category from common crimes. The Secretary-General had also stated that the Centre's capacities would be enhanced. It was proposed to establish two new posts at the P-4 and P-5 levels. She

believed that the addition of those posts would not be sufficient to strengthen the Centre's capacities. The Centre must have the necessary human and financial resources if it was to make a contribution to the fight against international terrorism. Lastly, it would be appropriate to establish communication channels between the Centre and the Sixth Committee.

16. **Ms. Gao Yanping** (China) said that despite the tremendous efforts of the international community, international terrorism was on the increase, claiming innocent lives and giving rise to tension between States. Her Government was totally opposed to any terrorist or violent acts carried out by States, groups or individuals in violation of international law. It also opposed any infringement of sovereignty or territorial integrity and interference in the internal affairs of other countries in the name of combating international terrorism. The key to eliminating international terrorism lay in increased international cooperation and concerted action. The drafting and adoption of international legal instruments was merely a first step; States must strictly fulfil their international obligations and take effective measures, particularly by establishing criminal jurisdiction over terrorist crimes and prosecuting or extraditing terrorists.

17. She welcomed the progress made by the Ad Hoc Committee established by General Assembly resolution 51/210 and the Working Group of the Sixth Committee in drafting a convention for the suppression of international terrorist bombings. Unfortunately, agreement had not been reached on several important articles. For example, some delegations were of the view that the absence of a legal definition of international terrorist bombing would reduce the effectiveness of the convention. Also, some of the draft articles submitted to the Sixth Committee for consideration did not reflect the general practice in various countries, and thus could not be accepted by all States. Her delegation believed that the Ad Hoc Committee should make it a priority to complete its work on the draft convention as quickly as possible. In the meantime, all States should make an effort to reach agreement on the outstanding issues. Moreover, it was necessary to draft a comprehensive convention dealing with international terrorism as soon as possible, as well as conventions against specific types of international terrorist activities.

18. The international community should study in depth the causes and development of international terrorism, which had deep social and historical roots. To be more effective in suppressing international terrorism, the international community should also increase bilateral and multilateral cooperation among States. For its part, her Government would continue to combat international terrorism by fulfilling its relevant treaty obligations and actively participating in international codification designed to eliminate it.

19. **Ms. Cruz** (El Salvador) said that her Government supported all measures to prevent, combat and eliminate terrorism; they were vital in ensuring respect for the law, the maintenance of order and people's trust in their Governments and national security organizations. Salvadoran criminal law considered acts and attempted acts of terrorism as crimes against public order, and its provisions were in the spirit of, and often identical to, the draft convention for the suppression of terrorist bombings.

20. At the regional level, El Salvador had been represented at the recent meeting of experts of the Organization of American States (OAS) devoted to finding ways of improving cooperation in efforts to prevent terrorism. Her delegation wholeheartedly supported the OAS resolution on the subject, which had pointed out the importance of the declaration of the 1996 Inter-American Specialized Conference on Terrorism. Her Government had signed the Framework Treaty on Democratic Security in Central America, which was designed to consolidate the status of the region as an area of peace, freedom, democracy and development, and in which the parties pledged to fight terrorism, sabotage and organized crime by all means possible. To that end, the countries of Central America were committed to improving cooperation, including in the exchange of information on migration and police matters.

21. Her Government was in favour of creating new international legal instruments to fight terrorism in order to complement existing instruments. It was important to make it easier for the developing countries to gain access to the new technologies that could help in that fight.

22. With regard to the draft convention for the suppression of terrorist bombings, consensus should be sought on the question of activities of the armed forces of a State party that were not governed by international humanitarian law or that contravened the purposes and principles of the Charter of the United Nations. She urged the Working Group to conclude its work as quickly as possible, so that the convention could be adopted and the international community could successfully confront terrorism from within an adequate legal framework.

23. **Ms. Abdullah** (Malaysia) said that her delegation was particularly concerned at the acts of terrorism carried out against diplomatic agents and the taking of United Nations personnel as hostages. The international community should take steps to guarantee their safety.

24. The costs of combating terrorism were immense, as it threatened stability at every level of society. It was unfortunate that in many instances terrorism was connected with certain religious or racial extremist groups. However, it also encompassed unlawful acts by States, especially the use of military force other than the uses covered by the international law of armed conflict. The draft convention for the suppression of terrorist bombings should not exclude the unlawful acts of States; States should be held to account for their illegal activities.

25. She was pleased to note that many States had taken measures to prevent terrorism. Her Government had ratified a number of international legal instruments related to terrorism and was studying others. She fully supported the position of the Movement of Non-Aligned Countries on the need to conclude and implement effectively a comprehensive international convention against terrorism. As international terrorism was often associated with drug-trafficking, illicit arms trading, smuggling and money-laundering, the scope of the international instruments relating to terrorism should be reviewed to ensure there was a comprehensive legal framework that also covered those acts. She commended the International Civil Aviation Organization for developing standardized training packages on aviation security. The centre established in Penang, Malaysia, had been of great help in the development of the country's own aviation security training programme.

26. **Ms. Reena** (Maldives) said that terrorism was by its very nature an indiscriminate crime, and thus capable of generating such terror that it could cause entire economies to decline and fall into recession. Its destabilizing effects also affected neighbouring countries and eroded the sovereignty and integrity of States. Many resources that could have been devoted to socio-economic development had to be spent unnecessarily on combating that menace. The combination of terrorism and mercenaries could be explosive, particularly for small States which were more susceptible to that phenomenon and had only a limited capacity to protect themselves against it. A handful of mercenaries could usurp the sovereignty of such States, as they had attempted to do in Maldives less than a decade earlier. She called upon Member States which had not yet done so to accede to or ratify the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which would contribute immensely to the security of those countries which were most vulnerable to attacks from terrorists and mercenaries.

27. The United Nations was the appropriate international body to take effective measures to ensure that terrorism would not be tolerated in any form. For its part, her Government had ratified or acceded to a number of international conventions relating to terrorism and was a party to the 1987 Regional Convention on the Suppression of Terrorism of the South Asian Association for Regional Cooperation.

28. **Ms. Zhmachenko** (Ukraine) said that her country resolutely condemned international terrorism in all its forms and manifestations and viewed terrorist acts as unjustified whatever the circumstances. Terrorism not only killed innocent people, it also threatened the integrity and security of States and undermined relations between States. More effective cooperation was needed to combat that international phenomenon at the bilateral, regional and global levels. Ukraine supported all efforts to that end, including the elaboration of the two conventions for the suppression of terrorist bombings and acts of nuclear terrorism.

29. The Ad Hoc Committee and Working Group had facilitated the elaboration of an acceptable and workable draft convention for the suppression of terrorist bombings, which represented a reasonable compromise between the views expressed by delegations during the deliberations. Her delegation hoped that outstanding issues, such as the applicability of the convention to the activities of the armed forces of States, would be resolved promptly and conclusively. It also looked forward to the diplomatic conference on the adoption of the Convention.

30. Further impetus should be given to preparing an effective international instrument on nuclear terrorism, in order to counter the growing tendency of criminal elements to use nuclear substances. Rather than wait for a catastrophic international incident to occur, the international community should take a proactive stance and adopt an appropriate international instrument. In that regard, the Russian Federation's draft convention on nuclear terrorism and its work to strengthen international cooperation were to be commended.

31. All States which had not already done so should ratify or accede to the Convention on the Safety of United Nations and Associated Personnel, which provided for criminal proceedings against individuals who attacked United Nations peacekeepers. Such attacks should be defined as terrorist acts and the Convention itself should enter into force as soon as possible.

32. **Ms. Giraldo** (Colombia) said she associated herself with the statement made by the representative of Paraguay on behalf of the Rio Group; she was deeply concerned at terrorist acts which, under various pretexts, attempted to destabilize democratically elected Governments. Terrorism

was a worldwide phenomenon which afflicted developed and developing countries without distinction. However, the developing countries experienced greater difficulties in confronting its devastating consequences, and therefore particularly valued international assistance and cooperation to prevent, combat and eradicate international terrorism, within a framework of respect for international law, the sovereignty of States, the principle of non-intervention and human rights.

33. The report of the Secretary-General on measures to eliminate international terrorism (A/52/304) revealed the piecemeal approach that had so far been adopted. A more comprehensive legal framework was needed to cover the various forms of terrorism. She therefore agreed with the view expressed at the Eleventh Summit Heads of State and Government of the Movement of Non-Aligned Countries that a comprehensive international convention against terrorism was needed. In the meantime, she supported all effective measures to contain and eliminate that evil activity.

34. In recent years, Colombia had been particularly affected by terrorist bombings of its oil installations, which not only cost innocent human lives but also affected the social and economic development of the country. She therefore regretted that the Ad Hoc Committee and the Working Group had not yet been able to conclude the draft convention for the suppression of terrorist bombings. Nevertheless, she was confident that a generally acceptable instrument would be finalized in the near future, which would send a clear message to the perpetrators of terrorist acts about the determination of the international community to persist in its efforts to prevent such acts.

35. **Ms. Baykal** (Turkey) said that there could be no justification for terrorism, which Turkey condemned in all its forms and manifestations. Member States should take effective measures to prevent those crimes being committed or instigated in their territories.

36. The international community's growing concern with international terrorism in recent years had led to the General Assembly's adoption of the "Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism". The purpose of the supplementary Declaration was to combat the international community's occasional indifference to terrorist abuses of the right of asylum and to address the problem of financing of terrorism, which was inadequately covered by United Nations resolutions and conventions. Her delegation believed that States hesitated in drafting such instruments because they wished to retain their discretionary powers in dealing with terrorists.

37. The draft convention for the suppression of terrorist bombings was the first legal document to recognize the concept of terrorism, focusing on bombings as its most common manifestation. The depoliticization of terrorist bombings, as provided for in article 9 *bis* of the text, was of particular importance to the issue of extradition and international cooperation. Those provisions could have been formulated differently, however, so as to ensure that no individual escaped trial and extradition, either because a State had no legal obligations in that regard or because cooperation between States was lacking.

38. Some States could not see the need for extraditing terrorists because they did not suffer from the problem themselves. If an effective legal instrument was to be elaborated, they should try to see the problem from the other perspective and cooperate more fully with the victims of terrorism.

39. Turkey supported all work to improve the United Nations response to terrorism, including the Secretary-General's decision to establish the new Centre for International Crime Prevention in Vienna. Her delegation feared that there might be problems in coordinating efforts with New York and hoped that the functions of the Centre would be defined more clearly. The Centre should be able to explore contemporary forms of terrorism in terms of technology, globalization, brutalization and mass victimization.

40. The Secretary-General's report entitled "Measures to eliminate international terrorism" (A/52/304) demonstrated increased international interest in the topic, but should have covered the Secretariat's new arrangements for dealing with terrorism. For its part, Turkey had demonstrated its commitment to combating terrorism, and hoped that all States would demonstrate the political will to eliminate that scourge.

41. **Mr. Kamal** (Pakistan) offered his deepest condolences to the families of four Americans who had been killed in a terrorist attack in Pakistan on 12 November 1997. His delegation appreciated the Secretary-General's report on measures taken to eliminate international terrorism and commended, in particular, the work done by the South Asian Association for Regional Cooperation to implement its Regional Convention on the Suppression of Terrorism.

42. The United Nations, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries and Pakistan itself had consistently and unequivocally condemned terrorism in all its forms and manifestations. As a victim of internal and cross-border terrorism, Pakistan was committed to national and international action to rid the

world of that scourge and bring its perpetrators to justice. There was no justification for terrorist acts by groups or States.

43. As a party to a number of conventions concerning terrorist acts committed on board aircraft, crimes against internationally protected persons and the suppression of terrorism, Pakistan would fulfil its obligations by taking internal security measures, trying and punishing hijackers and continuing to cooperate with the International Civil Aviation Organization.

44. There was no agreed legal definition of terrorism or set of standards to distinguish between terrorist and non-terrorist acts. The United Nations had endeavoured to address those lacunae by urging Governments to eliminate the underlying causes of terrorism and by seeking to strike a balance between different perceptions of the issue. Unfortunately, its efforts had been gradually undermined. For its part, the Movement of Non-Aligned Countries had consistently emphasized the need for a United Nations definition of terrorism, which should be differentiated from the struggle for national liberation of peoples under colonial or alien domination or foreign occupation.

45. The international convention on terrorist bombings should make no exceptions for any kind of terrorism, including the kind of State terrorism which took place in Indian-held Kashmir. His delegation strongly condemned the use of State power to subjugate and brutalize people under foreign occupation, depriving them of their most basic rights, including the legitimate right to self-determination. In condemning the taking of hostages, Pakistan appealed for the immediate and unconditional release of those detained in Indian-held Kashmir. His delegation would not compromise on its fundamental belief that the legitimate struggle of peoples under foreign occupation or alien domination did not constitute terrorism.

46. **Mr. Rimdap** (Nigeria) welcomed the report of the Working Group on measures to eliminate international terrorism (A/C.6/52/L.3) and joined the international community in condemning terrorism in all its forms and manifestations, as provided in paragraph 1, of the Declaration on Measures to Eliminate Terrorism. Terrorism not only endangered human lives, it also threatened national and international peace and security. Easy access to sophisticated lethal devices, explosives and conventional weapons facilitated terrorism, while States occasionally encouraged terrorists by offering them sanctuary and inciting them to perpetrate terrorist acts. The hijacking of a Nigerian aircraft which had been forced to land in the Niger in 1993, and recent bomb attacks in Nigeria had been sponsored by foreign forces seeking to spread fear and discord and undermine socio-economic development. The international community should agree on the text of a convention that would be truly universal in both its drafting and application. The existing gaps in international law should no longer be allowed to protect terrorists.

47. States should play their part, as provided in the Declaration on the Elimination of International Terrorism, particularly with regard to the apprehension, prosecution and/or extradition of terrorists. Developing countries required assistance in responding to terrorist attacks and relevant measures should take the form of a convention.

48. With regard to the Working Group's report, his delegation suggested the following amendments. In article 5, paragraph 2 (c) *bis*, the words "or vessel" should be inserted after the word "aircraft" to take account of offences committed on board ships. The phrase "who shall transmit the information to other States Parties" should be inserted at the end of article 5, paragraph 2 *bis*. In article 9, paragraph 1, the phrase "on request by States concerned" should be inserted after the words "assistance" at the beginning of the paragraph. In article 9, paragraph 2, the words "on request" should be inserted between the words "assistance" and "in" in the second sentence. In article 9 *ter*, the words "ideology" and "sex" should be included in the listing. At the beginning of article 12 bis, the word "States" should be inserted after "Parties". His delegation would comment further on the report as the discussion progressed.

Announcement concerning sponsorship of draft resolutions

49. **The Chairman** announced that Namibia and Finland had joined the list of sponsors of draft resolution A/C.6/52/L.9 on the report of the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization, submitted under agenda item 121.

The meeting rose at 4.40 p.m.